



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,102	08/30/2006	Paul Vanlene	98124	6200
24628	7590	04/04/2008		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER WOLFE, DEBRA M	
			ART UNIT	PAPER NUMBER
			3725	
			MAIL DATE	DELIVERY MODE
			04/04/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/591,102

**Applicant(s)**

VANLEENE, PAUL

**Examiner**

DEBRA M. WOLFE

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



## **FINAL REJECTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 14-16, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Boardman (US Patent 3,796,081). Boardman discloses a changeover system comprising of first and second work modules (see FIG below) that are adapted to be operatively mounted in the processing line of the metal forming mill, the first and second work modules being further adapted to be independently pivoted with respect to each other about first and second axes between an in the line position and an off the line position, and first and second drives (13) being adapted to be operatively mounted with respect to the first and second work modules (see FIG below) so that when a changeover system is mounted in the processing line of the metal forming mill, the first work module can be pivoted about the first axis from the line the position to the off the line position and the second work module can be pivoted about the second axis from the off the line position to the in the line position without having to remove either the first or second drives from the first or second work modules [See col. 2 lines 18-21].

In reference to claim 14, the first and second work modules comprise of rollers (16) for forming an open profile, as seen in figure 1.

In reference to claim 15, Boardman further discloses third and fourth work modules (see FIG below) and third and fourth drives (13) such that the first and third work modules can be

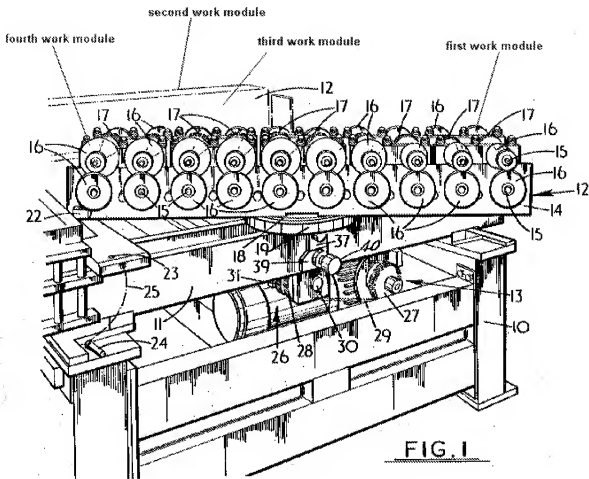


pivoted from in the line positions to off the line positions and the second and fourth work stations can be pivoted from off the line positions to in the line positions [See col. 2 lines 18-21].

In reference to claim 16, Boardman further discloses the first work module is adapted to form a first metal product and the second work module is adapted to form a second product [See col. 2 lines 18-21].

In reference to claim 19, Boardman discloses a combination comprising of the changeover system recited in claim 9 (See first paragraph above) and metal forming mill (see col. 1 lines 3-7; the Examiner is interpreting a metal forming mill to be any machine that deforms metal since no structure of the metal forming mill is claimed).

In reference to claim 21, as best understood Boardman discloses the method of using a changeover system in a metal forming mill (see col. 1 lines 3-7) to allow a changeover from forming first metal product to forming a second metal product, the method comprising the steps of operatively mounting first and second work modules (see FIG below) in the processing line of the metal forming mill, the first work module being disposed in an in the line position with respect to the processing line of the metal forming mill and the second work module being disposed in an off the line position with respect to the processing line of the metal forming mill, operatively mounting first and second drives (13) with respect to the first and second work modules, pivoting the first work modules about a first axis from the in the line position to the off the line position and pivoting the second work module about a second axis from the off the line position to the in the line position, and using the second work module to form a second metal product [See col. 2 lines 18-25 and FIG below].



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



1. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman in view of Sherwood (US Patent # 3,583,195). Boardman discloses the invention substantially as claimed except for wherein the work modules are provided with wheels that engage rails to enable a guided pivotal movement of the work modules however, Boardman does disclose the work modules are mounted on rings (18, 19) to provide pivotal movement for the work modules. Sherwood teaches of using a wheel (62) and a rail (24) to provide pivotal movement of a roller-changing platform (10) [See FIG 2]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotating means of Boardman to be a wheel and rail combination as taught by Sherwood in order to provide a more secure pivot motion of the work modules.

In reference to claims 11 and 13, the combination of Boardman and Sherwood discloses the wheels (62) are capable of engaging the floor of the metal forming mill (10).

In reference to claim 12, Sherwood further teaches of rails (24) that are arranged in the processing line of the metal forming mill in the area of the work modules, wherein the wheels of the work module engage the rails to enable a pivotal movement of the work modules between the in the line positions and the off the line positions, as seen in figure 2.

2. Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman in view of Abbey, III (US Patent # 5,887,472). Boardman discloses the invention substantially as claimed except for wherein the metal forming mill is a tube-forming mill. However, Abbey, III teaches that it is a well-known process for producing seam-welded tubes to have a continuous strip by advanced through forming rollers. Therefore, based on the disclosure of Boardman that states that a strip of metal moves lengthwise along a defined path between



paired forming rollers to be deformed and the teaching of Abbey, III that the process of forming a tube is to start with a strip and advance it through a series of forming rollers one of ordinary skill in the art would be able to conclude that the forming mill of Boardman is capable of being a tube-forming mill. Furthermore, it is noted that Applicant fails to provide any criticality as to the importance of the metal forming mill being a tube-forming mill [See page 7 line 29- page 8 line 2].

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



Application/Control Number: 10/591,102  
Art Unit: 3725

Page 7

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Wolfe/  
Examiner, Art Unit 3725

/Derris H Banks/  
Supervisory Patent Examiner, Art Unit 3725